

5 November 1953

MEMORANDUM FOR: Colonel White

1. By a circular addressed to all Federal agencies the Civil Service Commission requests data concerning positions listed in Schedule A, which in effect is a tabulation of Government positions to which appointments can be made without regard to competitive civil service rules. Positions are listed under Schedule A by virtue of a decision reached by the Civil Service Commission that the duties and circumstances surrounding such positions make it impractical to require adherence to the Civil Service system for purposes of appointment and other personnel actions. In 1947 the Civil Service Commission, acting upon the request of CIA, decided to put all CIA positions under Schedule A. This action had to be taken since the National Security Act did not exempt CIA from the Civil Service Act. However, E.O. 110 of 1949 did provide the Director statutory authority which had the effect of exempting CIA's personnel management from the Civil Service Act and Rules. Notwithstanding this exemption, our Personnel Office has continued to cite Schedule A as the source of our non-Civil Service authority on each personnel action document pertaining to individual employees.
2. Personnel and General Counsel are in agreement that now is the time to assert our intention to cite E. O. 110 as our basic appointment authority, in lieu of Schedule A. I certainly agree, and feel that this action is overdue. In its memo to you (transmitting proposed reply to the Civil Service Commission) Personnel says there has been doubt as to whether E. O. 110 actually granted exemption. In commenting on this statement, the Office of General Counsel says that they have never expressed such doubt, and as a matter of fact certain publications of the Civil Service Commission dating back as far as 1950 have shown CIA to be statutorily exempt from the Commission's own viewpoint.
3. I strongly recommend forwarding the proposed reply to the Commission to Mr. Dulles for signature. The importance of the step we are taking to get CIA off the Schedule A list warrants DCI signature.
4. Your attention is called to the fact that this reply was due at the Commission by 28 October. This gave Personnel about two months to develop the reply. This is mentioned because it conforms to the general pattern of Personnel to defer action on matters of this kind until the actual due date. The recent letter to the Commission on excess leave balances was similarly delayed. As a solution, I believe we must insist that we receive copies of directives from the Commission in order to enforce controls necessary to get action within prescribed time limits.

85

STATINTL

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 Distribution:
 1 - Chrono ✓
 1 - Subject